

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 14, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 16, 2/16/2001
Executive Action: HB 116, SR 19, HB 293, HJ 32

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HEARING ON SR 16

Sponsor: SEN. EVE FRANKLIN, SD 21, Great Falls

Proponents: Bob Brown, Secretary of State

Opponents: None

Opening Statement by Sponsor:

SEN. EVE FRANKLIN, SD 21, Great Falls, told the committee **Patty Myers**, appointee for the Board of Public Education, had taught school in Great Falls for 31 years, mostly in 1st and 2nd grades. She added that **Patty Myers** received the Teacher of the Year award and the Milken Family Foundation National Educator award in 1998. **SEN. FRANKLIN** stated that **Don Ryan, Great Falls school board member**, strongly supported the appointment of **Patty Myers**.

Patty Myers, appointee for the Board of Public Education, EXHIBIT (sts58a01) shared information with the committee about her past experience and education. She added that she was passionate about two things in life: (1) her grandchildren and (2) education.

Proponents' Testimony: **Bob Brown, Secretary of State,** expressed support for **Patty Myers** confirmation. He told the committee they needed to focus on the fitness and qualifications of the candidate. **Bob Brown** reminded the committee that the Board of Public Education was not a political position. He stated that **Ms. Myers** was very diligent, had strong personal skills, and was well organized.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER asked **Patty Myers** if she would explain Outcome Based Education to the committee. **Patty Myers** explained that Outcome Based Education affords empowerment of the practitioner for site-based decision making. She added this allowed the freedom to work within the curriculum and make decisions concerning the best way to teach the material.

SEN. BOHLINGER asked **Patty Myers** if she felt children should pass some form of a test for proving academic success. **Patty Myers** answered that she used a combination of methods, including: a paper/pencil test, dramatization, writing a story, singing a song about the issue, or drawing pictures to explain a concept.

SEN. BOHLINGER asked **Patty Myers** if she believed there was a need for teachers to prepare lesson plans. **Ms. Myers** replied that she felt prepared lesson plans were very important and that she used very complete lesson plans.

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SEN. FRANKLIN asked **Patty Myers**, in relationship to Outcome Based Education, what would she do with a student having trouble reading. **Ms. Myers** responded that she would first work one-on-one with that student to assess the situation. She added that if problems continued, she would talk with the RIDE team (Recognizing Individual Differences in Education) to explore learning styles and other methods that may be successful in teaching the student.

SEN. FRANKLIN asked **Patty Myers** to give an example of intervention. **Ms. Myers** said there were a variety of methods of intervention, such as: (1) referring to specialists, (2) one-on-one time spent with the student and (3) peer tutors.

SEN. KEN TOOLE asked **Patty Myers** to comment on the effects of class size. She answered that the upper grades had a size limit of 28, while the lower grades had a class limit of 22 students.

SEN. TOOLE told **Patty Myers** that Helena had a budget situation in the schools and thought the school system may try to increase the sizes due to the budget problem. **Ms. Myers** replied that larger class sizes could only harm the students and teachers. She added that when faced with large classes, the teacher did not have enough time to spend one-on-one with the students and to address problems the student may be experiencing.

SEN. ED BUTCHER asked **Patty Myers** if she thought schools would enter into a gradeless type of structure. **Ms. Myers** responded that would possibly occur in a magnet school, but probably not in the other schools. She added that the schools sometimes had combination classrooms, but she was not a proponent of combination classrooms.

SEN. BUTCHER asked **Patty Myers** if she believed in the social promotion or students being required to achieve a certain level of competence before being passed. **Ms. Myers** replied that there would need to be some compromise because some students need to have some assignments modified to address their learning difficulties.

SEN. BUTCHER asked **Patty Myers** if she believed in mainstreaming handicapped students such as the mentally handicapped. **Ms. Myers** replied that when a handicapped student came to the classroom, they often had special aides with them. She added that mainstreaming needed to be appropriate for the student and also to the rest of the students in the classroom.

SEN. BUTCHER asked **Patty Myers** if some federal mandates needed to be challenged by the state or if the federal oversight had the

proper role in education. **Ms. Myers** answered that she was unclear if the Board of Public Education dealt more with that issue as much as the voters and legislators did.

SEN. BUTCHER asked **Patty Myers** what her position on federal mandates was. **Ms. Myers** expressed great concern about unfunded mandates and added that many times what the federal government decided was not always what was best for the classroom teacher.

SEN. PETE EKEGREN asked **Patty Myers** to respond to why she felt she was controversial to some people. **Ms. Myers** answered that three years ago, **Elaine Sullivan** wrote a letter to the editor against **Nancy Keenan**. **Patty Myers** said she knew what the situation had been and felt the letter was unfair to **Nancy Keenan** and wrote a response stating that the Board of Public Education made the decisions addressed in the letter, not **Nancy Keenan's** position. She added that she thought that was the end of it and forgot all about it. **Patty Myers** said she had sometimes been politically active as a citizen.

SEN. EKEGREN asked **Patty Myers** if the teacher made the decisions on their own in Outcome Based Education. **Patty Myers** replied, no, that the decisions were made by people on every level, such as decisions concerning what curriculum was to be taught.

SEN. EKEGREN asked **Patty Myers** if she thought teachers should be tested. **Ms. Myers** said she believed firmly in evaluations.

SEN. EKEGREN asked **Patty Myers** if the other students in the classroom suffered because of mainstreaming. **Ms. Myers** answered it was not always the ideal situation.

SEN. JIM ELLIOTT asked **Patty Myers** about the benefits of mainstreaming. **Ms. Myers** responded that she was unsure of the educational value, but there was a social value to mainstreaming.

SEN. ELLIOTT asked **Patty Myers** how important flexibility was in teaching and learning styles. **Ms. Myers** answered they were extremely important because different students learn better in different ways.

SEN. ELLIOTT asked **Patty Myers** how a teacher could achieve a balance in different learning styles. **Ms. Myers** that by drawing upon past teaching experience and using a combination of different styles, such as: writing, singing, drawing, and dramatization.

SEN. ELLIOTT asked **Patty Myers** about setting policy standards. **Ms. Myers** responded by saying the Board of Public Education set the standards. She added that how those standards were met was decided by the local districts, school boards, and teachers.

SEN. ELLIOTT asked **Patty Myers** how to achieve a balance between strict standards and the flexibility needed in the classroom. She answered that she would rely upon her 31 years of experience in teaching and would use a variety of methods, such as the writing, singing, dancing, drawing, and dramatization she expressed earlier.

SEN. ELLIOTT asked **Patty Myers** if she would use that same classroom experience to determine what was working in the classroom and what was not. She answered that was correct.

SEN. ELLIOTT asked **Patty Myers** that as a board member, how would she address unfunded mandates. **Ms. Myers** replied she would try to avoid unfunded mandates, and added that when those were adopted, the schools needed to be given more flexibility in deciding how to meet those.

SEN. HARGROVE asked **Patty Myers** to comment about concerns that some people had expressed concerning Outcome Based Education. **Ms. Myers** answered that she disagreed with the definitions given concerning Outcome Based Education. She added that Performance Based Standards allowed for more local control in how those standards were arrived at.

SEN. HARGROVE asked **Patty Myers** what the board does and what part she would play in that role. **Ms. Myers** explained that the Board of Public Education was required to be geographically, politically, and gender balanced. She told the committee that the board would oversee: (1) certification of teachers, (2) accreditation of teachers and (3) set standards.

SEN. HARGROVE asked **Patty Myers** to comment on the Office of Public Instruction waiving so many standards. **Ms. Myers** responded that the Board of Public Education could choose to not certify a school if they were remiss on music teachers, libraries, and foreign language teachers. She added that she was not in favor of lowering the standards; but, until it was possible to hire enough teachers, they would need to give them waivers as long as the school district was making an honest effort to fill the positions.

SEN. BUTCHER asked **Patty Myers** if she was in favor of criteria based testing. **Ms. Myers** answered that she was not, but rather, she was in favor of teaching evaluations.

SEN. BOHLINGER asked **Patty Myers** if the board was politically balanced. **Ms. Myers** responded that she did not know because it never came up during any meetings.

SEN. EKEGREN asked **Patty Myers** about the effects of mainstreaming on the rest of the students in the classroom. **Ms. Myers** replied that if the placement of that student affected the overall education of the other students, then a different placement would be considered.

Closing by Sponsor:

SEN. EVE FRANKLIN, SD 21 strongly supported the appointment of **Patty Myers**.

EXECUTIVE ACTION ON HB 116

SEN. BUTCHER said he was not in favor of one year. He added there was a strong argument for the five years.

SEN. EKEGREN stated the whole system was at five years now and if the plan was changed to three years, everyone else would want that.

SEN. ELLIOTT told the committee he agreed with **SEN. EKEGREN**.

Motion: **SEN. ELLIOTT** moved that **AMENDMENT TO STRIKE ONE YEAR AND CHANGE IT TO FIVE YEARS BE ADOPTED**.

Discussion:

SEN. TOOLE asked how this would affect the university system.

SEN. BUTCHER explained that the university system was a different system. **Kelly Jenkins** stated that this plan would never match the TIA plan and there would always be differences between those systems.

SEN. TOOLE asked **Kelly Jenkins** if this plan was available now to the university system. **Mr. Jenkins** responded it would be available in 2002.

SEN. TOOLE asked **Kelly Jenkins** if the university system was interested in this. **Mr. Jenkins** replied that there may be some real interest.

SEN. TOOLE asked **Kelly Jenkins** what the incentive was for this plan. **Mr. Jenkins** answered that the incentive was that this plan was different option from which to choose. He added that TERS is just a different plan.

SEN. ELLIOTT expressed concerns about leap-frogging in the systems. He asked **Kelly Jenkins** (1) what the effect of one year vesting in the DCP on election of insurance coverage and the cost to the state and (2) what would the effect be if the DBP went to one year vesting and the effect on the insurance. **Mr. Jenkins** replied that the only people that would come out ahead in that situation would be legislators because the current statute states that the legislative vesting for insurance coverage after they stop being a legislator was tied to vesting in a retirement program. He added that all other employees had to have five years of service.

SEN. HARGROVE stated that perhaps standardization of five years was important.

SEN. TOOLE told the committee he was against the amendment.

Vote: Motion carried 7-1 with Toole voting no.

Motion/Vote: **SEN. EKEGREN** moved that **HB 116 BE CONCURRED IN AS AMENDED**. Motion carried unanimously.

EXECUTIVE ACTION ON SR 19

David Niss distributed amendment SR001901.adn **EXHIBIT**(sts58a02) to the committee.

SEN. ELLIOTT told the committee there was now a new person, **Ted Woodwin**, for the State Banking Board to replace **Joy Ott**.

David Niss said he would create a new amendment SR001902.adn to acknowledge the change.

Motion/Vote: **SEN. ELLIOTT** moved that **AMENDMENT SR001902.ADN BE ADOPTED**. Motion carried unanimously.

Motion/Vote: **SEN. ELLIOTT** moved that **SR 19 BE CONCURRED IN AS AMENDED**. Motion carried unanimously.

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EXECUTIVE ACTION ON HB 293

Motion/Vote: SEN. TOOLE moved that HB 293 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HJ 32

SEN. BUTCHER expressed he wanted the amendment to include the relationship between the tribes and the state courts.

SEN. TOOLE stressed that the American Indian Child Welfare Act was an important statute for the Indian people to protect their integrity as nations and as people. He added that SEN. BUTCHER's interpretation was not universally accepted and that tribes handle these situations differently. SEN. TOOLE said that tribes generally had no problem placing Indian children in non-Indian homes if there were not other quality Indian homes available. He added that they do require that the children understand that they were Indian and had ties to the reservation in some ways.

SEN. HARGROVE told the committee this bill was not just for the tribes. He stated there were terrible situations occurring all the time.

SEN. BUTCHER expressed concern about the state separating siblings.

Motion/Vote: SEN. FRANKLIN moved that HJ003201.ADN EXHIBIT(sts58a03) BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. FRANKLIN moved that HJ 32 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 12:00 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts58aad)